

Atlanta, Georgia

JAN 14 2000

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

W. Yvonne Evans, Clerk
By *Debbie Smith*
Deputy Clerk

IN RE:

ATTORNEY FEES IN
CHAPTER 13 CASES

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: CHIEF JUDGE STACEY W. COTTON
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GENERAL ORDER NO. 4

To insure and promote uniformity and equitable treatment of debtors in Chapter 13 cases, it is

ORDERED that, effective January 15, 2000, attorneys for Chapter 13 debtors in routine Chapter 13 cases shall be permitted to charge an attorney's fee in an amount not to exceed \$1,500.00 per case, whether individual or joint, provided, however, that:

(a) prior to the case filing, an attorney shall not collect more than the sum of \$600.00 for each case, whether individual or joint, plus the actual costs for filing, and

(b) upon confirmation of a plan, the debtor's attorney shall be entitled to, and the Chapter 13 Trustee shall be directed to make, a disbursement in the amount of \$750.00, less any monies received prior to filing under subparagraph (a), from the proceeds paid into the office of the Chapter 13 Trustee by the debtor, or on the debtor's behalf, after deduction of any unpaid filing fees and payment of the trustee's fees and expenses, and

(c) the balance of any such attorney's fees after the disbursement described in subparagraph (b) shall be paid under the debtor's plan at the rate of \$75.00 per month, beginning in the month following payment of the disbursement set forth in (b) and continuing

monthly until paid, and

(d) in the event that no plan is confirmed and the case is dismissed or converted, the attorney for the debtor shall be allowed compensation not to exceed the sum of \$750.00, less any sums previously received, and it is

ORDERED that, without specific application and order, the Chapter 13 Trustee is authorized to pay a debtor's attorney's fees as agreed to by debtor and counsel up to but not to exceed \$1,500.00 from payments made by or on behalf of the debtor to the Chapter 13 Trustee within the limits set forth herein, unless otherwise ordered by this court, and it is

ORDERED that after the filing of a Chapter 13 case, attorneys for the Chapter 13 debtors shall not collect any additional compensation from debtors without prior court approval based upon an appropriate application and order, and it is

ORDERED that any attorney collecting advances or retainers in excess of the authorized amounts shall be subject to sanctions including disgorgement of fees and the court will require any sums collected by any debtor's attorney in excess of such amounts to be turned over to the Chapter 13 Trustee for disbursement pursuant to the debtor's plan or returned to the debtor as may be appropriate, and it is

ORDERED that failure of an attorney to timely file the plan and schedules, to attend Section 341 meetings, to promptly and timely file amendments, to appear at the confirmation hearing or at any other scheduled meetings or hearings may result in the reduction of

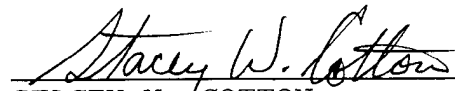
attorney's fees, for each such occurrence, in such other amount as the court finds to be appropriate, and it is

ORDERED that nothing herein shall prohibit the attorney for the debtor in any case from seeking additional or extraordinary compensation in excess of \$1,500.00 by application pursuant to the provisions of the Bankruptcy Code and Rules, and it is

ORDERED that nothing herein shall prohibit the trustee, the debtor, any creditor or party in interest from objecting to any compensation provided herein.

IT IS SO ORDERED.

At Atlanta, Georgia, this 14th day of January, 2000.


STACEY W. COTTON
CHIEF BANKRUPTCY JUDGE
FOR THE COURT